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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,348	05/05/2006	Katsuhiro Sugiyama	09812.0079	5177
22852	7590	12/01/2009		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER STONE, ROBERT M	
			ART UNIT	PAPER NUMBER
			2629	
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			12/01/2009 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/578,348

Applicant(s)

SUGIYAMA ET AL.

Examiner

Robert M. Stone

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 August 2009 has been entered.

Response to Amendment

2. The amendment filed on 27 July 2009 has been entered and considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 -9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Fujita* (2004/0130576) in view of *Lewis* (2003/0040962) and *Wu* (US 2005/0108656).

As to **claim 1**, *Fujita* (Figs. 2 and 5-10B) discloses an information processing apparatus (touchscreen display with image manipulating circuits) for

performing a predetermined process (function of the touch sensitive buttons such as select, return, move through menus via arrows, volume, mute) in accordance with a user operation on a touch panel (according to the user touching the touch sensitive buttons) overlaid on a display (50) [0026-0027], the apparatus comprising:

detecting means (50) for detecting a change in an aspect ratio of images to be displayed in the display [0054 – 0056];

changing means (30) for changing a size of operation buttons (button sizes are different depending on the amount of available area 51 has as can be seen in Figs. 6 and 7), the operation buttons displayed superimposed on the images before and after the change in aspect ratio (image combining device 30 combines the touch menu portion 51 containing the buttons with the original displayed image as per instructions from controller 40 according to aspect ratio [0031, 0042-0043, 0054-0056]), and

changing a size of a sensitive area (51) of the touch panel where user operations of the operation buttons are recognized (touch sensitive area 51, where the buttons are located, changes sizes according to desired location and aspect ratio change; Figs. 6, 7), in accordance with the detection by the detecting means (Fig. 3 or [0036-0040])

determining means (60) for determining an operation button (determines which touch sensitive button is selected) that corresponds to the user operation on the touch panel [0056, 0063]; and

generating means (controller 40) for generating a command (generates the control signals to be sent to the external equipment (i.e. DVD player) based on the received touch information (which button is selected) from touchscreen input portion 60) to perform the predetermined process (to perform the function of the touch sensitive buttons such as select, return, move through menus via arrows, volume, mute) in accordance with the determination by the determining means (60) [0062-0065], wherein

when the operation button (touch sensitive buttons within touch area 51) is continuously operated before and after the detection of the change in aspect ratio (Figs. 6 and 7, or 9 and 10B indicate the buttons being displayed for use before and after aspect ratio change providing the use of the buttons at all times) and the predetermined process (function of the touch sensitive buttons such as select, return, move through menus via arrows, volume, mute) is a continuous process (when you mute, the volume remains muted; when you increase the volume, the volume remains increased), the generating means (controller 40) generates a command (generates the control signals to be sent to the external equipment (i.e. DVD player) based on the received touch information (which button is selected) from touchscreen input portion 60) to perform the predetermined process (to perform the function of the touch sensitive buttons such as select, return, move through menus via arrows, volume, mute) while the operation button is operated, regardless of another operation button operated after the detection of the change in aspect ratio (after pressing mute and/or

increasing the volume, the volume will constantly remain at the desired setting until a new change is made regardless of which menu mobility function is invoked).

Fujita does not expressly disclose operating the volume buttons after the change of aspect ratio would not affect the functions initiated by the other button. However, it would have been obvious to one of ordinary skilled in the art that using the volume buttons would not affect the continuous operations initiated by previous selected buttons (for example, the volume buttons would not affect the continuous operating function of rewind or fast forward).

Lewis (Fig. 3D) discloses a continuous recording process in a VCR, DVD, computer, etc. while simultaneously providing the user the ability to initiate another action such as pause, freeze, rewind, fast forward [abstract; 0026].

At the time of invention, it would have been obvious for a person of ordinary skill in the art to have continued the current operation during other control as taught by *Lewis* in the display control of *Fujita*. The suggestion/motivation would have been to increase user convenience by allowing a pause during a movie without damaging the recorded content.

Fujita in view of *Lewis* does not expressly disclose changing the size of the buttons after detecting a change in aspect ratio.

Wu (Figs. 7-13) discloses a tv guide menu in which the selection buttons change size after detecting a change in aspect ratio [0028, 0062, 0064, 0067].

At the time of invention, it would have been obvious for a person of ordinary skill in the art to have provided buttons that change according to aspect ratio as taught by *Wu* in the display control of *Fujita* as modified by *Lewis*. The suggestion/motivation would have been to provide proportionality similar to the original image without distortion [0003-0004].

As to **claim 2**, it differs from claim 1 (see rejection for claim 1 above) in the recitation of "detecting", "changing", "determining" and "generating" instead of "detecting means", "changing means" and "generating means" as recited by claim 1. Claim 2 is rejected base on the same rationale as claim 1 since claim 2 is the method of claim 1.

As to **claim 3**, it differs from claim 2 (see rejection of claim 2 above) in the recitation of "a computer-readable medium", and "a processor".

Fujita (Fig. 2) discloses a computer-readable medium (memory) storing program instructions (data or signals), which, when executed by a processor (controller or processor) [0029 and 0032] cause the processor to perform a method for performing a predetermined process (Fig. 3 shows the processor is performing the process).

As to **claim 4**, it differs from claim 1 (see rejection of claim 1 above) in the additional recitation of "the generating means generates a command to stop".

Lewis further discloses both a pause and freeze frame command that stops the current display process [0026] as well as the ability to stop the process of continuous loop recording [0241].

As to **claim 5**, it differs from claim 4 (see rejection of claim 4 above) in the recitation of “detecting”, “changing”, “determining” and “generating” instead of “detecting means”, “changing means” and “generating means” as recited by claim 4. Claim 5 is rejected base on the same rationale as claim 4 since claim 5 is the method of claim 4.

As to **claim 6**, it differs from claim 4 (see rejection for claim 4 above) in that the limitation “a computer-readable medium”, and “a processor” are additionally recited.

Fujita (Fig. 2) discloses a computer-readable medium (memory) storing program instructions (data or signals), which, when executed by a processor (controller or processor) [0029 and 0032] cause the processor to perform a method for performing a predetermined process (Fig. 3 shows the processor is performing the process).

As to **claims 7 - 9**, *Lewis* further discloses a continuous process of at least one of rewind and fast forward [0026, 0027, 0081, 0135, 0229].

Response to Arguments

5. Applicant's arguments with respect to amended claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. *Ko* (US 2006/0059438) teaches an on-screen menu superimposed over an image on a display in which the buttons of the menu change size according to the aspect ratio of the screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Stone whose telephone number is (571)270-5310. The examiner can normally be reached on Monday-Friday 9 A.M. - 4:30 P.M. E.S.T. (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh D. Nguyen can be reached on (571)272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert M Stone/
Examiner, Art Unit 2629

/Chanh Nguyen/
Supervisory Patent Examiner, Art
Unit 2629